

Executive Summary – Enforcement Matter – Case No. 42123
BAYOU DEVELOPMENT, LLC
RN101246601
Docket No. 2011-1265-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Galveston Bay RV, 10000 San Leon Drive, Galveston County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 11, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$6,004

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,004

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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BAYOU DEVELOPMENT, LLC
RN101246601
Docket No. 2011-1265-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 20, 2011

Date(s) of NOE(s): July 13, 2011

Violation Information

1. Failed to comply with permitted effluent limitations [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit the discharge monitoring report (“DMR”) for the monitoring period ending April 30, 2011, by the 20th day of the following month, and failed to submit monitoring results at the intervals specified in the permit [30 Tex. Admin Code §§ 305.125(1) and (17), 319.1, and 319.7(d), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days after the effective date of this Agreed Order, update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified monthly DMRs, in accordance with TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1; and
2. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 42123
BAYOU DEVELOPMENT, LLC
RN101246601
Docket No. 2011-1265-MWD-E

TCEQ SEP Coordinator: N/A

Respondent: John Stinson, Co-manager, BAYOU DEVELOPMENT, LLC, 10000 San Leon Drive, Dickinson, Texas 77539

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	18-Jul-2011	Screening	20-Jul-2011	EPA Due	
	PCW	22-Nov-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	BAYOU DEVELOPMENT, LLC		
Reg. Ent. Ref. No.	RN101246601		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	42123	No. of Violations	3
Docket No.	2011-1265-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	182.0% Enhancement	Subtotals 2, 3, & 7	\$4,004
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Notes: Enhancement for two orders with denial of liability, four NOV with same/similar violations, one NOV with a dissimilar violation, and 19 months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$200
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$481
Approx. Cost of Compliance \$10,300
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,004
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$6,004
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,004
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$6,004
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Screening Date 20-Jul-2011

Docket No. 2011-1265-MWD-E

PCW

Respondent BAYOU DEVELOPMENT, LLC

Policy Revision 2 (September 2002)

Case ID No. 42123

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246601

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	23	115%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 157%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two orders with denial of liability, four NOVs with same/similar violations, one NOV with a dissimilar violation, and 19 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 182%

Screening Date 20-Jul-2011

Docket No. 2011-1265-MWD-E

PCW

Respondent BAYOU DEVELOPMENT, LLC

Policy Revision 2 (September 2002)

Case ID No. 42123

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246601

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review on June 20, 2011, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	10%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 62 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$200

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent came into compliance on August 31, 2011.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$466

Violation Final Penalty Total \$5,440

This violation Final Assessed Penalty (adjusted for limits) \$5,440

Economic Benefit Worksheet

Respondent BAYOU DEVELOPMENT, LLC

Case ID No. 42123

Reg. Ent. Reference No. RN101246601

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Dec-2010	31-Aug-2011	0.67	\$22	\$444	\$466
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$466

Screening Date 20-Jul-2011

Docket No. 2011-1265-MWD-E

PCW

Respondent BAYOU DEVELOPMENT, LLC

Policy Revision 2 (September 2002)

Case ID No. 42123

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246601

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code §§ 305.125(1) and (17) and 319.7(d), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring report (DMR) for the monitoring period ending April 30, 2011, by the 20th day of the following month, as documented during a record review conducted on June 20, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Release	Harm		
		Major	Moderate	Minor
Actual				
Potential				

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

62 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$282

This violation Final Assessed Penalty (adjusted for limits) \$282

Economic Benefit Worksheet

Respondent BAYOU DEVELOPMENT, LLC

Case ID No. 42123

Reg. Ent. Reference No. RN101246601

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Jan-2011	15-Feb-2012	1.07	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Jan-2011	21-Jul-2011	0.50	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost to submit the DMRs, and the cost of updating procedures and training Facility personnel to ensure that all reports are submitted timely and complete. Date required is the date the first DMR was due. Final dates are the date the DMRs were submitted, and the date training is expected to be completed, respectively.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$15

Screening Date 20-Jul-2011

Docket No. 2011-1265-MWD-E

PCW

Respondent BAYOU DEVELOPMENT, LLC

Policy Revision 2 (September 2002)

Case ID No. 42123

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101246601

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.1, and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit monitoring results at the intervals specified in the permit, as documented in a record review on June 20, 2011. Specifically, the Respondent failed to report the 5-day carbonaceous biochemical oxygen demand results on the DMR for the monitoring period ending December 31, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

183 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$282

This violation Final Assessed Penalty (adjusted for limits) \$282

Economic Benefit Worksheet

Respondent BAYOU DEVELOPMENT, LLC

Case ID No. 42123

Reg. Ent. Reference No. RN101246601

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN603741745 BAYOU DEVELOPMENT, LLC Classification: AVERAGE Rating: 6.20

Regulated Entity: RN101246601 GALVESTON BAY RV Classification: AVERAGE Site Rating: 6.20

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0840252
 WASTEWATER PERMIT WQ0014326001
 WASTEWATER EPA ID TX0124761

Location: 10000 SAN LEON DRIVE, GALVESTON COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 26, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2006 to July 26, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: JR Cao Phone: (512) 239-2543

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Bayou Development, LLC
OWNOPR Via Bayou, Inc
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR CRVC Via Bayou, LLC.
5. When did the change(s) in owner or operator occur? 11/04/2010 OWNOPR CRVC Via Bayou, LLC.
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 09/21/2007 ADMINORDER 2006-2196-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 09/22/2008 ADMINORDER 2008-0213-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: MRR No. 5 PERMIT

Description: Failed to calibrate the flow meter within the previous twelve months, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on November 14, 2007.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: ELMR No. 1 PERMIT

Description: Failed to comply with the permitted effluent limits. During the investigation, violations of the permitted effluent limits for carbonaceous biochemical oxygen demand (CBOD) and ammonia-nitrogen (NH3-N) were noted. Nine violations were noted during the review period of January 2007 through October 2007. See attached Table I. Steps must be taken to prevent violations of the permitted effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: MRR No. 7c PERMIT

Description: Failed to submit noncompliance notifications for effluent violations more than 40 percent above the permitted limitation, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on November 14, 2007. Specifically, the Respondent failed to notify the TCEQ of permitted effluent violations for the months of August and September 2007.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121

Rqmt Prov: PC No. 2d PERMIT

Description: Failed to prevent the unauthorized discharge of sludge, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Permit Conditions No. 2.d, as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, four inches of sludge was observed at the outfall before Pond No. 1 and six inches of sludge was measured up to 20 feet from the outfall.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OR No. 7 PERMIT

Description: Failed to inspect the wastewater treatment system daily as required by the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Other Requirements No. 7, as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, it was noted that a licensed operator was checking the operation of the Facility only five days per week.

Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failed to provide fencing for the wastewater treatment plant, in violation of 30 TEX. ADMIN. CODE § 317.7.e, as documented during an investigation conducted on November 14, 2007. Specifically, during the investigation, the treatment units were not completely fenced and did not contain hazard signs at all entry points.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	09/29/2006	(529033)	9	05/11/2007	(633205)
2	09/18/2006	(529034)	10	06/12/2007	(633206)
3	12/07/2006	(532548)	11	07/18/2007	(633207)
4	02/16/2007	(535123)	12	10/06/2006	(633208)
5	01/07/2008	(610750)	13	11/26/2007	(633209)
6	02/14/2007	(633202)	14	10/05/2006	(633210)
7	03/08/2007	(633203)	15	11/07/2006	(633211)
8	04/09/2007	(633204)	16	11/29/2007	(633212)

17 12/11/2006 (633213)	41 05/03/2010 (836574)
18 01/10/2007 (633214)	42 08/12/2010 (844196)
19 03/25/2008 (696523)	43 06/14/2010 (845417)
20 04/28/2008 (696524)	44 08/20/2010 (875930)
21 05/30/2008 (696525)	45 10/20/2010 (883512)
22 06/26/2008 (718225)	46 10/20/2010 (883513)
23 07/21/2008 (718226)	47 02/18/2011 (884488)
24 02/17/2009 (756618)	48 11/22/2010 (889892)
25 02/17/2009 (756619)	49 12/20/2010 (898297)
26 02/17/2009 (756620)	50 01/20/2011 (904152)
27 03/25/2009 (756621)	51 01/14/2011 (905040)
28 02/17/2009 (756622)	52 03/30/2011 (905819)
29 02/17/2009 (756623)	53 03/12/2010 (911023)
30 03/16/2009 (759030)	54 04/28/2011 (914070)
31 06/30/2009 (759568)	55 03/22/2011 (918310)
32 04/22/2010 (760594)	56 04/15/2011 (931121)
33 03/03/2009 (773537)	57 06/23/2009 (931122)
34 03/25/2009 (773538)	58 08/24/2009 (931123)
35 04/22/2009 (773539)	59 09/24/2009 (931124)
36 05/28/2009 (773540)	60 10/26/2009 (931125)
37 01/21/2010 (788193)	61 11/25/2009 (931126)
38 02/24/2010 (791941)	62 02/25/2010 (931127)
39 07/01/2010 (803310)	63 07/15/2011 (934138)
40 04/05/2010 (836573)	

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/31/2006 (529033)	CN603741745
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	08/31/2006 (529034)	CN603741745
Self Report?	YES	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)	
Description:	Failure to meet the limit for one or more permit parameter	

Date: 10/31/2006 (633211) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (633213) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (633214) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/16/2007 (535123) CN603741745
Self Report? NO Classification: Moderate
Citation: 14326-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to calibrate the totalizer at least annually.
Self Report? NO Classification: Moderate
Citation: 14326-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)
Description: Failure to properly operate and maintain the blowers.
Self Report? NO Classification: Moderate
Citation: 14326-001 PERMIT
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)
Description: Failure to properly operate and maintain the aeration basin.

Date: 05/31/2007 (633206) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (633207) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (633208) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (633209) CN603741745
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (756621) CN603741745
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2008 (696523) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (696524) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (696525) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (756619) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2008 (756623) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/16/2009 (759030) CN603741745

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2009 (773540) CN603741745

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2009 (759568) CN603741745

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to install a backflow prevention device for the potable water line when one is required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to provide the required records for review.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to annually calibrated the secondary flow measuring device.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
 Description: Failure to submit the annual sludge reports as required by the permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TPDES Permit No. 14326-001 PERMIT
 Description: Failure to adequately operate and maintain the wastewater treatment plant.

Date: 12/31/2009 (931127) CN603741745
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/01/2010 (803310) CN603741745
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)
 Description: Failure to submit the annual sludge report for the August 2008 to July 2009 monitoring period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Operational Requirements PERMIT
 Description: Failure to properly maintain the solids level in the wastewater treatment plant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter D 305.64(b)
 Description: Failure to transfer the permit to the current owner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Effluent Limitations and Monitoring Req PERMIT
 Description: Failure to maintain compliance with the permitted effluent limitations for ammonia-nitrogen.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements PERMIT
 Description: Failure to comply with TPDES permit number 14326-001, Other Requirements No. 4.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.7(d)
 Monitoring and Reporting Requirements PERMIT
 Description: Failure to submit the monthly Discharge Monitoring Reports (DMRs) as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Other Requirements PERMIT
 Description: Failure to maintain compliance with TPDES permit number 14326-001, Other Requirements, No. 3.

Y

Date: 12/31/2010 (904152) CN603741745
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/14/2011 (905040) CN603741745

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2011 (931121) CN603741745

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BAYOU DEVELOPMENT, LLC
RN101246601**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1265-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BAYOU DEVELOPMENT, LLC ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 10000 San Leon Drive in Galveston County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During a record review on June 20, 2011, TCEQ staff documented that the Respondent did not to comply with permitted effluent limitations, as shown in the following violation table:

EFFLUENT VIOLATION TABLE		
Months	NH ₃ N Daily Avg. Conc.	NH ₃ N Single Grab Conc.
	Limit = 3 mg/L	Limit = 15 mg/L
December 2010	4.21	c
March 2011	9.60	23.90

NH₃N = ammonia nitrogen

mg/L = milligrams per liter

c = compliant
conc. =
concentration

4. During a record review on June 20, 2011, TCEQ staff documented that the Respondent did not to timely submit the discharge monitoring report ("DMR") for the monitoring period ending April 30, 2011, by the 20th day of the following month, and the Respondent did not report the 5-day carbonaceous biochemical oxygen demand results on the DMR for the monitoring period ending December 31, 2010.
5. The Respondent received notice of the violations on July 18, 2011.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- By December 29, 2010, hired an engineering firm to perform an evaluation of the Facility;
 - By June 15, 2011, installed a new air supply system;
 - By July 21, 2011, submitted the DMR for the monitoring period ending April 30, 2011;
 - By July 25, 2011, submitted the revised DMR with the 5-day carbonaceous biochemical oxygen demand results for the monitoring period ending December 30, 2010; and

- e. By August 31, 2011, demonstrated compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0014326001.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No.3, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014326001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the DMR for the monitoring period ending April 30, 2011, by the 20th day of the following month, and failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN CODE §§ 305.125(1) and (17), 319.1, and 319.7(d), and TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Six Thousand Four Dollars (\$6,004) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Hundred Four Dollars (\$504) of the administrative penalty. The remaining amount of Five Thousand Five Hundred Dollars (\$5,500) of the administrative penalty shall be payable in 11 monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Thousand Four Dollars (\$6,004) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BAYOU DEVELOPMENT, LLC, Docket No. 2011-1265-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of complete, signed, and certified monthly DMRs, in accordance with TPDES Permit No. WQ0014326001, Monitoring and Reporting Requirements No. 1; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/18/13

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of BAYOU DEVELOPMENT, LLC. I am authorized to agree to the attached Agreed Order on behalf of BAYOU DEVELOPMENT, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, BAYOU DEVELOPMENT, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

11-20-12
Date

Kevin Stinson
Name (Printed or typed)
Authorized Representative of
BAYOU DEVELOPMENT, LLC

Owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.